Executive Summary – Enforcement Matter – Case No. 43654 WM Resource Recovery & Recycling Center, Inc. RN100922392 Docket No. 2012-0462-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

WM Resource Recovery & Recycling Center, 7505 Anahuac Highway 65, Anahuac, Chambers County

Type of Operation:

Recycling center

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 28, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,485

Amount Deferred for Expedited Settlement: \$4,497 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$17,988

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A **Complaint Information**: N/A

Date(s) of Investigation: October 11, 2011 through December 12, 2011

Date(s) of NOE(s): February 9, 2012

Violation Information

- 1. Failed to maintain records of visible emissions observations of the ash building in the first quarter of 2010; the lime silo from April 2009 through December 2010; the carbon silo in the second and third quarter of 2009 and all quarters in 2010; and the facility operations building in the second and third quarter of 2009 and the fourth quarter of 2010 [30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O3058, Special Terms and Conditions ("STC") No. 3A(iv)3].
- 2. Failed to maintain an opacity limit of 5% averaged over a six-minute period. Specifically, opacity exceeded 5% averaged over a six-minute period for Emissions Point No. 2 on March 17, 2010 and April 21, 2011 [30 Tex. Admin. Code §§ 111.121(5), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 24247, Special Conditions No. 6, and FOP No. O3058, STC Nos. 1A and 6].
- 3. Failed to accurately document all required information in annual and semiannual performance reports for 2009. Specifically, the reports did not include the analysis of the air pollution control system ("APCS") bypass malfunction that occurred on August 18, 2009 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 60.58c(b)(4) and (b)(5), Permit No. 24247, Special Conditions Nos. 21B, 22, and 24A, and FOP No. O3058, STC Nos. 1A, 6, and 8].
- 4. Failed to report all instances of deviations. Specifically, the semiannual deviation reports for the periods of May 4, 2009 through November 3, 2009, November 4, 2009 through May 3, 2010, and November 4, 2010 through May 3, 2011 did not include the following deviations: the chamber temperature falling below 1800 degrees Fahrenheit on July 26 through 28, 2009 and September 11, 2009; the APCS bypass malfunction that occurred on August 18, 2009; the failure to properly report and include the APCS bypass malfunction in semiannual and annual reports; and the opacity exceedances that occurred on Mach 17, 2010 and April 21, 2011 [30 Tex. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O3058, General Terms and Conditions].
- 5. Failed to submit semiannual deviation reports and a permit compliance certification ("PCC") within 30 days after the end of the reporting period. Specifically, the semiannual deviation reports for the periods of May 4, 2009 through November 3, 2009, November 4, 2009 through May 3, 2010, and May 4, 2010 through November 3,

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2010 and the PCC for the certification period of May 4, 2009 through May 3, 2010 were not submitted until May 6, 2011 [30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(B), and 122.146(2), Tex. Health & Safety Code § 382.085(b), and FOP No. O3058, STC No. 9].

6. Failed to submit a copy of the final sampling report to the TCEQ Air Permits Division and Houston Regional Office within 60 days after testing. Specifically, the 2010 stack test report for Unit No. 2 was provided to the TCEQ Air Permits Division and was due to the TCEQ Houston Regional Office on January 18, 2011 but was not submitted until November 17, 2011 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 24247, Special Conditions No. 15F, and FOP No. O3058, STC Nos. 6 and 8].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Plant:

- a. On March 25, 2011, contracted with a third party consulting firm to ensure compliance with the FOP reporting requirements;
- b. On May 6, 2011, submitted the semiannual deviation reports for the periods of May 4, 2009 through November 3, 2009, November 4, 2009 through May 3, 2010, and May 4, 2010 through November 3, 2010 and the PCC for the certification period of May 4, 2009 through May 3, 2010;
- c. On December 28, 2011, began conducting and documenting all visible emissions observations;
- d. On November 17, 2011, submitted the 2010 stack test report to the Houston Regional Office;
- e. On February 4, 2012, provided operator training specifically addressing air permit reporting requirements, including APCS bypass malfunction reporting; and
- f. On March 9, 2012, reviewed incinerator operating procedures to ensure the proper operation of the incinerator in order to maintain compliance with opacity limits and other permit conditions.

Technical Requirements:

N/A

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Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A **SOAH Referral Date:** N/A **Hearing Date(s):** N/A **Settlement Date:** N/A

Contact Information

TCEO Attorney: N/A

TCEQ Enforcement Coordinator: Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Rick Kania, Director, WM Resource Recovery & Recycling Center, Inc., 7505 Anahuac Highway 65, Anahuac, Texas 77514

Wayne Fischer, Plant Manager, WM Resource Recovery & Recycling Center, Inc., 7505

Anahuac Highway 65, Anahuac, Texas 77514

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 13-Feb-2012 **PCW** 1-Jun-2012 Screening 24-Feb-2012 **EPA Due** 5-Nov-2012 RESPONDENT/FACILITY INFORMATION Respondent WM Resource Recovery & Recycling Center, Inc Reg. Ent. Ref. No. RN100922392 Facility/Site Region 12-Houston Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 43654 No. of Violations 6 Docket No. 2012-0462-AIR-E Order Type 1660 Media Program(s) Air Government/Non-Profit No Multi-Media Enf. Coordinator John Muennink EC's Team Enforcement Team 5 Admin. Penalty \$ Limit Minimum Maximum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$18,900 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 40,0% Enhancement Subtotals 2, 3, & 7 \$7,560 Enhancement for four NOVs with same/similar violations and one order Notes with denial of liability. 0.0% Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$3,975 Economic Benefit 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts *Capped at the Total EB \$ Amount \$214 Approx. Cost of Compliance \$2,500 SUM OF SUBTOTALS 1-7 \$22,485 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Adjustment

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

20.0%

Deferral offered for expedited settlement.

\$22,485

\$22,485

-\$4,497

\$17,988

Reduces or enhances the Final Subtotal by the indicated percentage.

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

PCW

Respondent WM Resource Recovery & Recycling Center, Inc.

Case ID No. 43654

Reg. Ent. Reference No. RN100922392

Media [Statute] Air

Enf. Coordinator John Muennink

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Compliance History Worksheet
>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Enter Numbe	r nere	Aujusi
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4		20%
	Other written NOVs	0		0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1		20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	O		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	O		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%
Emissions	Chronic excessive emissions events (number of events)	0		0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	o		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%
	Ple	ase Enter Yes	or No	
	Environmental management systems in place for one year or more	No		0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No		0%
Other	Participation in a voluntary pollution reduction program	No		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No		0%
eat Violator (No npliance Histo	Adjustment Per Subtotal 3) Adjustment Per ary Person Classification (Subtotal 7)			
Average Pe	rformer Adjustment Per	centage ('Subi	total 7
npliance Histo	ory Summary			
Compliance History Notes	Enhancement for four NOVs with same/similar violations and one order with der	iial of liabili	ty.	

Respondent WR Resource Recovery & Recycling Center, Inc. Case ID No. 43554 Reg. Ent. Reference No. RR100922392 Media (Statute) Statute) Statute (Statute) Statute) Statute (Statute) Statute) Statute (Statute) St	Screening Date		Docket No. 2012-0462-AIR-E	PCW
Reg. Ent. Reference No. Nation 223292 Media (Statute) Air Enf. Coordinator John Number 1. Rule Cite(s) 38 Tex. Admin. Code § 122.145(4), Tex. Health 8. Safety Code § 382.085(b), Federal Generaling Permit (*POP*) No. 03088, Special Terms and Conditions (*STC*) No. 34(N)3 Failed to maintain records of Violes emissions somewhore of the sets building in the first quester of 2610; the line size from April 2010 through December 2010; Urolation Description Violation Description Violation Description The Respondent failed to meet more than 70% of the rule requirement. Set Environmental, Property and Human Health Matrix Base Penalty Set Environmental, Property and Human Health Matrix Release Major Moderate Minor OR Actual Potential Pot			enter, Inc.	
Ref. Coordinator John Muchanink Violation Number Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b); Federal Operating Permit ("FOP") No. 03058, Special Terms and Conditions ("STC") No. 3A(N)3 Failed to maintain records of Violation observations of the sash building in the first quarter of 2010; the lime sin from April 2009 through December 2010; the facility operations building in the second and third quarter of 2009 and all quarters for 2010; and the facility operations building in the second and third quarter of 2009 and the fourth quarter of 2010, as documented during an investigation conducted from fourth quarter of 2010, as documented during an investigation conducted from fourth quarter of 2010, as documented during an investigation conducted from fourth quarter of 2010, as documented during an investigation conducted from fourth quarter of 2010, as documented during an investigation conducted from fourth quarter of 2010, as documented during an investigation conducted from fourth quarter of 2010, as documented during an investigation conducted from fourth quarter of 2010, as documented during an investigation conducted from fourth quarter of 2011, and the facility operation of 2011 and the facility ope	Reg. Ent. Reference No.	RN100922392		
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Harm	· Andrews and a second		Ва	ase Penalty \$10,000
Release Major Moderate Minor Actual Potentia Percent 0% >> Programmatic Matrix Falsification Major Moderate Minor Adjustment \$7,500 \$2,500 Violation Events Number of Violation Events \$639 Number of violation days **Section Major Moderate Minor **Section Major Moderate Minor **Section Moderate Minor **Section Major Major Moderate Minor **Section Major Major Minor Minor Major M	>> Environmental, Proper	ty and Human Health Matrix		
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		This violation Fin	ial Assessed Penalty (adjusted	for limits) \$2,875

eg. Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		ı ı		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	50	\$0 \$0	\$0
Engineering/construction				0.00	\$0 \$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	1-Apr-2009	28-Dec-2011	2.74	\$34	n/a	\$34
	1 34.70		40 000 6044		7.7	117.0	
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Training/Sampling				0.00	\$0 ¢0	n/a	\$0 ¢n
Remediation/Disposal				0.00	\$0	n/a	\$0
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Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	observations	are kept. The D	ate Required is that corrective	0.00 0.00 0.00 d/or pi the firs measu enterii 0.00 0.00 0.00	\$0 \$0 \$0 rocedures to ensur t date of noncomp ires were complete 19 19 19 19 19 19 19 19	n/a n/a n/a n/a n/a e that records of vis liance. The Final Da ed. for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 sible emissions ate is the date led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	observations	are kept. The D	ate Required is that corrective	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 cocedures to ensure that date of noncompletes were completed as \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	n/a n/a n/a n/a n/a e that records of vis liance. The Final Da ed. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 sible emissions ate is the date led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	observations	are kept. The D	ate Required is that corrective	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 cocedures to ensure that date of noncompletes were completed as \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	n/a n/a n/a n/a n/a e that records of vis liance. The Final Da ed. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 sible emissions ate is the date led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	observations	are kept. The D	ate Required is that corrective	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 cocedures to ensure that date of noncompletes were completed as \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	n/a n/a n/a n/a n/a e that records of vis liance. The Final Da ed. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 sible emissions ate is the date led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	observations	are kept. The D	ate Required is that corrective	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 cocedures to ensure that date of noncompletes were completed as \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	n/a n/a n/a n/a n/a e that records of vis liance. The Final Da ed. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 sible emissions ate is the date led costs) \$0 \$0 \$0 \$0 \$0

Screening Date 2		Docket No. 2012-0462-	-AIR-E	PCW
	WM Resource Recovery 8	& Recycling Center, Inc.	Policy Revision 2 (Septemb	-
Case ID No. 4 Reg. Ent. Reference No. 1			PCW Revision October	<i>30, 200</i> 8
Media [Statute]				
Enf. Coordinator				
Violation Number	2			
Rule Cite(s)		§§ 111.121(5), 116.115(c), and 122.143(b), Permit No. 24247, Special Conditions		
		03058, STC Nos. 1A and 6		144
	Failed to maintain an	opacity limit of 5% averaged over a six-m	ninute neriod as	
Violation Description	documented during a	n investigation conducted from October 1	1, 2011 through	
Violation Description	anni anni anni anni anni anni anni anni	pecifically, opacity exceeded 5% averaged	Data Citia Cara Rasa Rasa Rasa Rasa Cara Cara Cara Cara Cara Cara Cara C	
	penda for cimssio	ns Point No. 2 on March 17, 2010 and Ap		
L				
			Base Penalty \$	10,000
> Environmental, Propert	ry and Human Hea Harn			
Release	Major Modera	ate Minor		***************************************
OR Actual Potential		Percent	25%	
		-		WANTED STATES OF THE STATES OF
>Programmatic Matrix Falsification	Major Modera	ste Minor		WW.Spinson
		Percent	0%	
1424140				***************************************
	and the second of the second o	been exposed to an insignificant amount five of human health or environmental rec	1 1 T 14 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
10003				
		Adjustment	\$7,500	
				\$2,500
			L	42,500
iolation Events				***************************************
Number of Vi	iolation Events 2	Number of v	riolation days	Hittin Hi
	daily			
	weekly monthly			
mark only one with an x	quarterly	Violat	ion Base Penalty	\$5,000
	semiannual			
	annual single event <u>x</u>			

Two single ev	ents are recommended f	or the exceedances on March 17, 2010 an	d April 21, 2011.	
				7
ood Faith Efforts to Comp	ily 10.	0% Reduction		\$500
00000000000000000000000000000000000000	Before N			
	Extraordinary			
	Ordinary N/A	(mark with x)		
		ondent completed corrective measures on	March	
		2012, after the February 9, 2012 NOE date		
***************************************			<u> </u>	\$4,500
conomic Benefit (EB) for I			Limit Test	
Estimate	d EB Amount	\$25 Violation Fir	-	6,500
		violation Final Assessed Penalty (adj		6,500

	E	conomic	Benefit	Wo	rksheet		
Respondent	WM Resource	Recovery & Recyc	ling Center, Inc	:			
Case ID No.	43654						
Rea. Ent. Reference No.	RN100922392						
Media	Air					Percent Interest	Years of
Violation No.	2					r creene anterese	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		•					
rem pescuption	NO CONTRIBES OF \$						
Delayed Costs							
Equipment		T I		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$ 0	n/a	\$0
Training/Sampling	\$250	17-Mar-2010	9-Mar-2012	1.98	\$25	n/a	\$25
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs			w	ere con	npleted.	the date that corre	
Avoided Costs	ANNUAL	re [1] avoided	COSES DETOTE	0.00	so so	\$0	\$0
Disposal Personnel	 	 		0.00	\$0 \$0	\$0 \$0	\$0 \$0
nspection/Reporting/Sampling	 			0.00	\$0 \$0	\$0 \$0	\$0
Supplies/equipment				0.00	\$0 \$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	r	\$250			TOTAL		\$25

Screening Date		***************************************	No. 2012-0462-AIR-E		PCW
Respondent Case ID No.		y & Recycling Center, Inc.	•	Policy Revision 2 (
Reg. Ent. Reference No.				PCW REVISION	October 30, 2008
Media [Statute]	Air				
Enf. Coordinator Violation Number					
Rule Cite(s)		SS 116 115(a) and 133 1	43(4), Tex. Health & Safet	v Code S	
TO THE PROPERTY OF THE PROPERT	TO TEX. Matinia Coule		60.58c(b)(4) and (b)(5), P		
manana	24247, Special Conditi		A, and FOP No. 03058, ST	C Nos. 1A,	
		6, and 8			
none and	Failed to accurately	document all required info	ormation in annual and sen	niannual	
Violation Description			I during an investigation co 2011. Specifically, the rep		
Violation Description			control system ("APCS") by		***************************************
TOWN THAT I THE TOWN	mal	lfunction that occurred on	August 18, 2009.		
and the second s				I	
			Base	e Penalty	\$10,000
>> Environmental, Proper					ST. SANSON
Release	Ha i Major Mode				No.
OR Actual					www
Potential	<u> </u>		Percent 0%		
>>Programmatic Matrix					***************************************
Falsification	Major Mode	erate Minor	Percent 1%		The state of the s
	4	A STATE OF THE STA	Tercenc		
Matrix					
Notes	The Respondent	met at least 70% of the re	ule requirement.		
				السيستنين	
			Adjustment	\$9,900	
,					\$100
Violation Events					
Number of \	Violation Events 1	92	Number of violation of	lays	
	daily				
The state of the s	weekly monthly				
mark only one with an x	quarterly		Violation Base	Penalty	\$100
with the same of t	semiannual				
	annual x				
F					***************************************
One single	event is recommended I		the malfunction that occur	red on	W.
		August 18, 2009.			
Good Faith Efforts to Com	olv 2	5.0% Reduction			\$25
	Before		ent Offer		
-	Extraordinary X				
	N/A	(mark with x)			
		Respondent completed co			1
. :	Notes Febr	uary 4, 2012, prior to the date.	February 9, 2012 NOE		
	L. L				
			Violation	Subtotal	\$75
Economic Benefit (EB) for	this violation		Statutory Limit	Test	
Estimate	ed EB Amount	\$62	Violation Final Pena	Ity Total	\$115
	Th	is violation Final Asses	sed Penalty (adjusted fo	r limits)	\$115
				,	7

		JUHUHHU	Benefit	AAO	rksneet		
Respondent	WM Resource	Recovery & Recyc	ling Center, Inc	•			a a a a a a a a a a a a a a a a a a a
Case ID No.			,				
ea. Ent. Reference No.						*.	
Media							Years of
Violation No.						Percent Interest	Depreciation
Violation ivo.	3					5.0	15
	**	nas nasitas	Final Baka		*	Onetime Costs	EB Amount
		Date Required	Final Date	115	Interest Saveu	Offerine Costs	ED ANNUNE
Item Description	No commas or \$						
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$500	18-Aug-2009	4-Feb-2012	2.47	\$0	n/a	\$0
		xpense to implem	ent measures a	ınd/or p		n/a re compliance with	
Notes for DELAYED costs		xpense to implema eporting requirem	ent measures a ents. The Dat	ınd/or p e Requi	procedures to ensi	ure compliance with the malfunction. Th	APCS bypass
Notes for DELAYED costs Avoided Costs	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	ind/or p e Requi ctive m enterir	procedures to ensured is the date of leasures were coming item (except in a sure coming item).	ire compliance with the malfunction. Th pleted. for one-time avoid	APCS bypass e Final Date is led costs)
Avoided Costs	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	ind/or per Requictive mentering	procedures to ensi ired is the date of leasures were com ng item (except	ire compliance with the malfunction. Th pleted. for one-time avoid \$0	APCS bypass e Final Date is led costs) \$0
Avoided Costs Disposal Personnel	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	ind/or per Requirective mentering 0.00 0.00	procedures to ensificed is the date of neasures were coming item (except 1 \$0 \$0	tre compliance with the malfunction. Th pleted. for one-time avoid \$0 \$0	APCS bypass e Final Date is led costs) \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	nd/or per Requictive mentering 0.00 0.00 0.00	procedures to ensired is the date of leasures were coming item (except \$0 \$0 \$0	ire compliance with the malfunction. Th pleted. for one-time avoid \$0 \$0	APCS bypass e Final Date is led costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	nd/or per Requirective mentering 0.00 0.00 0.00 0.00	procedures to ensured is the date of measures were coming item (except 1 \$0 \$0 \$0 \$0 \$0	ure compliance with the malfunction. Th pleted. for one-time avoid \$0 \$0 \$0 \$0	APCS bypass e Final Date is led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	ind/or per Requirective mentering 0.00 0.00 0.00 0.00 0.00 0.00	procedures to ensured is the date of measures were coming item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	re compliance with the malfunction. The pleted. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	APCS bypass e Final Date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	nd/or per Requirements of the menter of the	procedures to ensured is the date of measures were coming item (except in the second se	ire compliance with the malfunction. Th pleted. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	APCS bypass e Final Date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	ind/or per Requirective mentering 0.00 0.00 0.00 0.00 0.00 0.00	procedures to ensured is the date of measures were coming item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	re compliance with the malfunction. The pleted. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	APCS bypass e Final Date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	malfunction r	xpense to impleme eporting requirem the	ent measures a ents. The Dat date that corre	nd/or per Requirements of the menter of the	procedures to ensured is the date of measures were coming item (except in the second se	ire compliance with the malfunction. Th pleted. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	APCS bypass e Final Date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
Case ID No.		Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No. Media [Statute]		etherechoren en e
Enf. Coordinator Violation Number		
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & S. § 382.085(b), and FOP No. O3058, General Terms and Condition	
Violation Description	Failed to report all instances of deviations, as documented during an inveconducted from October 11, 2011 through December 12, 2011. Specific semiannual deviation reports for the periods of May 4, 2009 through Nov 2009, November 4, 2009 through May 3, 2010, and November 4, 2010 th 3, 2011 did not include the following deviations: the chamber temperature below 1800 degrees Fahrenheit on July 26 through 28, 2009 and Septer 2009; the APCS bypass malfunction that occurred on August 18, 2009; the include the APCS bypass malfunction in semiannual and annual reports; opacity exceedances that occurred on March 17, 2010 and April 21, 2010.	cally, the rember 3, rough May ire falling mber 11, e failure to and the
		se Penalty \$10,000
>> Environmental, Proper	ty and Human Health Matrix Harm	
Release OR Actual	Major Moderate Minor	
Potential	Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	1 + + + + + + + + + + + + + + + + + + +
	Percent 1%	***************************************
Matrix	The Respondent met at least 70% of the rule requirement.	
Notes	The Respondent along the last 70 at 6 the rote requirement.	
	Adjustment	\$9,900
		\$100
Violation Events		
Number of \	/iolation Events 3 Number of violation	days
	daily weekly	
mark only one with an x	monthly quarterly Violation Bas semiannual annual single event x	e Penalty \$300
	Three single events are recommended for the three deficient reports.	
Good Faith Efforts to Com	25.0% Reduction	\$75
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	•
	Ordinary x	***************************************
	N/A (mark with x) The Respondent completed corrective measures on March 25, 2011, prior to the February 9, 2012 NOE date.	delication of the state of the
	Violation	Subtotal \$225
Economic Benefit (EB) for	this violation Statutory Limit	Test
	ed EB Amount \$65 Violation Final Pena	alty Total \$345
	This violation Final Assessed Penalty (adjusted fo	or limits) \$345

	E	conomic	Benefit	Wo	rksheet		
Respondent	WM Resource	Recovery & Recyc	ling Center, Inc	•			
Case ID No.		, ,	•				
Reg. Ent. Reference No.							
Media							Years of
Violation No.	4					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	3-Dec-2009	25-Mar-2011	1.31	\$65	n/a	\$65
Notes for DELAYED costs	in semiannu	al deviation report Date is	s. The Date Re the date that co	equired orrectiv	is the date that the measures were		ue. The Final
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	*******	**************	or one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		<u> </u>		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0	\$0
Other (as needed)		السييسال		0.00	30 1	\$0I	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,000		ļ	TOTAL		\$65

Screening Date		PCW
Respondent Case ID No.	WM Resource Recovery & Recycling Center, Inc. 43654	Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No. Media [Statute]		eccentral and a second
Enf. Coordinator	John Muennink	
Violation Number Rule Cite(s)	5	
	30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(B), and 122.146(2), Te Safety Code § 382.085(b), and FOP No. 03058, STC No. 9	ex. Health &
	Failed to submit semiannual deviation reports and a permit compliance on ("PCC") within 30 days after the end of the reporting period, as document	nted during
Violation Description	an investigation conducted from October 11, 2011 through December Specifically, the semiannual deviation reports for the periods of May 4, 20	
	November 3, 2009, November 4, 2009 through May 3, 2010, and May through November 3, 2010 and the PCC for the certification period of Ma	
	through May 3, 2010 were not submitted until May 6, 2011.	
•	Ba	se Penalty \$10,000
>> Environmental, Proper	ty and Human Health Matrix	-
Release	Harm Major Moderate Minor	
OR Actual Potential	Percent 0%	1
'	recent 070	24
>> Programmatic Matrix Falsification	Major Moderate Minor	working the state of the state
	x Percent 25%	
Matrix	The Respondent failed to meet 100% of the rule requirement.	
Notes		
	Adjustment	\$7,500
		\$2,500
Violation Events		
Number of \	/iolation Events 4 519 Number of violation	n days
	daily	00000000000000000000000000000000000000
mark only one	weekly Books Committee Com	
with an x	quarterly Violation Bas semiannual Violation Bas	se Penalty \$10,000
	annual single event 334 x 100 c	
	Four single events are recommended for the four late reports.	
Good Faith Efforts to Com	oly 25.0% Reduction	\$2,500
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A (mark with x)	
	Notes The Respondent came into compliance on May 6, 2011, prior to the February 9, 2012 NOE.	4
		n Subtotal \$7,500
Economic Benefit (EB) for		
Estimate	ed EB Amount \$18 Violation Final Pen	
	This violation Final Assessed Penalty (adjusted 1	for limits) \$11,500

	E	conomic	Benefit	WO	rksneet		
Respondent	WM Resource	Recovery & Recyc	ling Center, Inc	*			
Case ID No.	43654						
a. Ent. Reference No.	RN100922392						
Media	Air					Percent Interest	Years of
Violation No.	5					reiteik liiteiest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
#####################################		ero 10020010111111111110000000000000000000			000000000000000000000000000000000000000	000001010111100000000000000000000000000	
Delayed Costs							
Equipment				0.00	\$0	l \$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land			1000000	0.00	\$0	rya .	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		yy		200	L.A.		46
Kemeulauon/Disposai				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
- · · · · · · · · · · · · · · · · · · ·	\$250	3-Dec-2009	6-May-2011	0.00 1.42	\$0 \$18	n/a n/a	\$0 \$18
Permit Costs	Estimated ex	pense to submit ti Date	he reports. The is the date that	0.00 1.42 Date of the	\$0 \$18 Reguired is when t he reports were su	n/a n/a the first report was a ubmitted.	\$0 \$18 due. The Final
Permit Costs Other (as needed)	Estimated ex	pense to submit ti Date	he reports. The is the date that	0.00 1.42 Date all of the	\$0 \$18 Required is when the reports were sungle	n/a n/a the first report was obmitted. for one-time avoid	\$0 \$18 due. The Final ded costs)
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated ex	pense to submit ti Date	he reports. The is the date that	0.00 1.42 Date all of the	\$0 \$18 Required is when the reports were suited to the second of the sec	n/a n/a the first report was abmitted. for one-time avoid	\$0 \$18 due. The Final led costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated ex	pense to submit ti Date	he reports. The is the date that	0.00 1.42 Date all of the enterir 0.00 0.00	\$0 \$18 Required Is when the reports were sung item (except) \$0 \$0	n/a n/a the first report was abmitted. for one-time avoid \$0 \$0	\$0 \$18 due. The Final ded costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling	Estimated ex	pense to submit ti Date	he reports. The is the date that	0.00 1.42 Date all of the enterir 0.00 0.00 0.00	\$0 \$18 Required is when the reports were surgitem (except) \$0 \$0 \$0	n/a n/a the first report was abmitted. for one-time avoid \$0 \$0 \$0	\$0 \$18 due. The Final led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated ex	pense to submit ti Date	he reports. The is the date that	0.00 1.42 Date all of the enterir 0.00 0.00 0.00	\$0 \$18 Required is when the reports were sure solutions in the solution of the	n/a n/a n/a the first report was abmitted. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$18 due. The Final fed costs) \$0 \$0 \$0 \$0 \$0
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Screening Date		No. 2012-0462-AIR-E	PCW
Respondent Case ID No.	WM Resource Recovery & Recycling Center, Inc. 43654		on 2 (September 2002) vision October 30, 2008
Reg. Ent. Reference No. Media [Statute]		e e e e e	didinami
Enf. Coordinator	John Muennink		
Violation Number Rule Cite(s)	6 8 30 Tex. Admin. Code §§ 116.115(c) and 122.14	13(4) Toy Health & Safety Code &	THE PROPERTY OF THE PROPERTY O
T	382.085(b), Permit No. 24247, Special Condition	s No. 15F, and FOP No. 03058, STC	
	Nos. 6 and 8		THE CASE OF THE CA
	Failed to submit a copy of the final sampling rep- and Houston Regional Office within 60 days afte		
Violation Description	investigation conducted from October 11, 20 Specifically, the 2010 stack test report for Unit I		To you want to
	Permits Division and was due to the TCEQ Hous 2011 but was not submitted until		
		Base Penalty	\$10,000
	ty and Human Health Matrix Harm		
OR Release Actual	Major Moderate Minor		MHH
Potential		Percent 0%	ANTON SPINOR PRIMA
>>Programmatic Matrix Falsification	Major Moderate Minor		аналимана
T distriction		Percent 10%	AMMAMAMAMA
Matrix			
Matrix Notes	The Respondent met 50% of the rule re	equirement.	Apparament
<u> </u>		Adjustment \$9,000	Special Control of the Control of th
			\$1,000
Violation Events		•	-
300000000000000000000000000000000000000	/iolation Events 1 30	Number of violation days	WWWWWW
Number of V		The state of violation acts	WWW.holikoooo
***************************************	daily weekly		OFFICERORIAAA
mark only one	monthly quarterly	Violation Base Penalty	\$1,000
with an x	semiannual annual	- 1	
	single event x		11
	One single event is recommended for the o	ine late report.	
Good Faith Efforts to Com			\$250
·	Before NOV NOV to EDPRP/Settlement Extraordinary	nt Offer	
and the second s	Ordinary		
and the same of th	N/A (mark with x) The Respondent came into comp	liance on November 17	
	Notes 2011, prior to the Februa		
· ·		Violation Subtotal	\$750
Economic Benefit (EB) for	this violation	Statutory Limit Test	
Estimate	ed EB Amount \$10	Violation Final Penalty Total	\$1,150
	This violation Final Assess	ed Penalty (adjusted for limits)	\$1,150

		conomic	DCHCHL				
Respondent	WM Resource	Recovery & Recyc	ling Center, Inc	:			
Case ID No.	43654				* * *		
ea. Ent. Reference No.	RN100922392						
Media	8						Years of
Violation No.	\$					Percent Interest	Depreciation
Floid Con No.						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal			NAMES OF THE RESIDENCE OF THE PARTY OF THE P	0.00	CONTRACTOR		\$0
remediation/ Disposal	<u> </u>				\$0	n/a	
Permit Costs				0.00	\$0	n/a	\$0
	\$250 Estimated exp	18-Jan-2011		0.00 0.83	\$0 \$10	n/a n/a	\$0 \$10
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated exp	ense to submit th The Fir	e stack test rep al Date is the o	0.00 0.83 port. Ti	\$0 \$10 he Date required in the report was s	n/a n/a s the date that the r submitted.	\$0 \$10 eport was due.
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated exp	ense to submit th The Fir	e stack test rep al Date is the o	0.00 0.83 oort. Ti date tha enterir 0.00 0.00 0.00	\$0 \$10 he Date required is at the report was s ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a s the date that the r submitted. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$10 report was due. led costs) \$0 \$0 \$0 \$0
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Compliance History Report

Customer/Respondent/Owner-Operator:

CN603402470

WM Resource Recovery & Recycling

Classification: AVERAGE

Rating: 10.00

Center, Inc.

Regulated Entity:

RN100922392

WM RESOURCE RECOVERY &

Classification: AVERAGE

Site Rating: 10.00

RECYCLING CENTER

0360128

CI0118J

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY AIR OPERATING PERMITS

AIR OPERATING PERMITS MEDICAL WASTE

INDUSTRIAL AND HAZARDOUS WASTE INDUSTRIAL AND HAZARDOUS WASTE

ACCOUNT NUMBER PERMIT REGISTRATION

REGISTRATION

EPA ID

3058 50114 TXR000063099 87676

SOLID WASTE REGISTRATION #

AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS

MUNICIPAL SOLID WASTE PROCESSING MUNICIPAL SOLID WASTE PROCESSING POLLUTION PREVENTION PLANNING

AIR EMISSIONS INVENTORY

(SWR)
PERMIT
ACCOUNT NUMBER
REGISTRATION
AFS NUM
PERMIT
PERMIT
ID NUMBER
ACCOUNT NUMBER

24247 CI0118J 86989 4807100077 2239A 40254 P07387

CI0118J

Location:

7505 HIGHWAY 65, ANAHUAC, TX

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

February 24, 2012

.

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

February 24, 2007 to February 24, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

John Muennink

Phone:

(713) 422-8970

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

/ES

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

YES

3. If YES, who is the current owner/operator?

WM Resource Recovery & Recycling Center, Inc., OWNER OPERATOR since 10/14/2008

4. If YES, who was/were the prior owner(s)/operator(s)?

Chambers County, OWNER OPERATOR, 1/25/1994 to 10/13/2008

5. If YES, when did the change(s) in owner or operator occur?

10/14/2008

6. Rating Date: 9/1/2011 Repeat Violator:

NO

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 07/13/2007

ADMINORDER 2006-1397-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116,115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.56c(c)(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.56c(c)(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: Permit No. 24247, SC No. 29. PERMIT

Description: Failed to conduct annual performance testing of the incinerator within twelve months

following the previous performance test conducted on October 29, 2004.

Classification: Moderate

Citation: 30

30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.52c(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.56c(d)(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Ramt Prov: 14.A. PERMIT

No. 10.A. PERMIT Permit No. 24247, SC No. 29. PERMIT

Description: Failed to ensure that the incinerator is not operated in a substandard condition to ensure compliance with the hydrogen chloride limit of 15 parts per million by volume (ppmv) at 7% oxygen or maintain a 99% destruction efficiency for the incinerator.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

Chronic excessive emissions events.

N/A

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

- 1	01/03/2008	(459891)
2	08/21/2007	(572524)
3	03/14/2008	(638895)
4	07/08/2008	(684581)
5	07/02/2008	(685031)
6	01/21/2009	(706558)
7	01/17/2009	(708379)
8	06/30/2009	(760310)
9	02/17/2010	(789670)
10	05/12/2010	(790403)
11	09/17/2010	(864203)
12	01/04/2011	(886029)
13	09/09/2011	(944807)
14	02/09/2012	(952224)
15	12/16/2011	(969127)
16	01/19/2012	(971047)
17	12/16/2011	(974230)

Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

> Date: 01/03/2008 (459891)CN603402470 Classification: Self Report? NO

Citation:

24247 SC 7A PERMIT

Moderate

30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.52c(a)

Failure to emit particulate matter at a concentration below the permit allowable of Description:

0.020 gr/dscm.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.52c(a)

Permit No. 24247, Special Condition 30 PA

The 2004 tests indicate EPN #1 exceeded the emission limits for HCI. Description:

(706558)CN603402470 Date: 01/21/2009

Self Report? Classification: Moderate

24247/Special Condition 29 PERMIT Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.52c(a)

5C THSC Chapter 382 382.085(b)

RE failed to meet the HCL emissions from Incinerator (EPN 1) during the 2006 Description:

stack test.

Self Report? Classification: Moderate 24247/Special Condition 7A PERMIT Citation:

30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.52c(a)

5C THSC Chapter 382 382.085(b)

Description: RE failed to meet the emissions limits for PM emissions for Incinerator (EPN1)

during the November 2007 test.

Classification: Self Report? NO Moderate

24247/Special Condition 16A PERMIT Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b)

RE failed the NOx Relative Accuracy Test Audit for Incinerator (EPN1) during the

November 2007 test.

Description:

Classification: Moderate Self Report?

Citation:

24247/Special Condition 16A PERMIT

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Description:

RE failed the NOx Relative Accuracy Test Audit for Incinerator (EPN2) during the

2006 test.

Self Report? Citation:

24247/Special Condition 7C PERMIT

30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AAAA 60.1210(c)(2)

5C THSC Chapter 382 382.085(b)

Description:

RE failed to meet the emissions limits for NOx for Incinerator (EPN2) during the

2007 test

Date: 05/12/2010

(790403)

CN603402470

Classification: Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Classification:

Classification:

Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c)

Citation:

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(d)

5C THSC Chapter 382 382.085(b)

SC 10 PERMIT

Description:

RE shall not operate the APCS in a substandard condition unless the incinerator

has ceased charging wastes. (Category B18)

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(d)

5C THSC Chapter 382 382.085(b)

SC 11 A PERMIT

Description:

Citation:

RE continued to charge the incinerator with waste while the APCS was not

operating properly. (Category B18)

NO Self Report?

Classification:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AAAA 60.1215 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.52c(a)

5C THSC Chapter 382 382.085(b)

SC 29 PERMIT SC 8 PERMIT

Description:

Failed to comply with the emission rate limits for HCI. (Category B-13)

Date: 02/09/2012

(952224)

CN603402470

Self Report?

Classification: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT AAAA 60.1285

Citation:

5C THSC Chapter 382 382.085(b)

ST&C 10 OP

Description:

Failure to submit semiannual compliance schedule reports within the required time

frame. (Category B3)

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.145(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.58c(e)

5C THSC Chapter 382 382.085(b)

SC 25 PERMIT ST&C 1A and 8 OP

Description:

Citation:

Failure to submit the semiannual performance reports within the required time

frame. (Category C7)

Self Report?

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.52c(a)

5C THSC Chapter 382 382.085(b)

SC 7B PERMIT

ST&C 1A, 6, and 8 PERMIT

Description:

Failure to maintain the CO limit of 12 hr rolling periods and 4 hr block averages.

(Category B19g1)

Self Report? NO

Classification: Moderate

Classification:

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT AAAA 60.1215 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.56c(d)(2)

5C THSC Chapter 382 382.085(b)

ST&C 1A OP

Description:

Failure to maintain the temperature for INCIN-2. (Category B19g 1)

Self Report? NO Classification:

Major

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ec 60.52c(a)

5C THSC Chapter 382 382.085(b)

SC 1 and 7 PERMIT ST&C 1; 6; and 8 OP

Description:

Failure to maintain the limit for the CO, NOx, and SO2 1 hour block limit for the

INCIN-2. (Category Bg19 1)

Self Report?

Classification: Minor

Citation:

30 TAC Chapter 122, SubChapter C 122.217(a)(2)

5C THSC Chapter 382 382.085(b) General Term & Condition OP

Description:

Failure to submit request for permit revisions in a timely manner. (Category C7)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

NO.

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§	BEFORE THE
§	
§	TEXAS COMMISSION ON
§	
§	
§	ENVIRONMENTAL QUALITY
	§ §

AGREED ORDER DOCKET NO. 2012-0462-AIR-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WM Resource Recovery & Recycling Center, Inc. ("the Respondent") under the authority of Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a recycling center at 7505 Highway 65 in Anahuac, Chambers County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 14, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Two Thousand Four Hundred Eighty-Five Dollars (\$22,485) is assessed by the Commission in settlement of the

violations alleged in Section II ("Allegations"). The Respondent has paid Seventeen Thousand Nine Hundred Eighty-Eight Dollars (\$17,988) of the administrative penalty and Four Thousand Four Hundred Ninety-Seven Dollars (\$4,497) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On March 25, 2011, contracted with a third party consulting firm to ensure compliance with the Federal Operating Permit ("FOP") reporting requirements;
 - b. On May 6, 2011, submitted the semiannual deviation reports for the periods of May 4, 2009 through November 3, 2009, November 4, 2009 through May 3, 2010, and May 4, 2010 through November 3, 2010 and the permit compliance certification ("PCC") for the certification period of May 4, 2009 through May 3, 2010;
 - c. On December 28, 2011, began conducting and documenting all visible emissions observations;
 - d. On November 17, 2011, submitted the 2010 stack test report to the Houston Regional Office;
 - e. On February 4, 2012, provided operator training specifically addressing air permit reporting requirements, including air pollution control system ("APCS") bypass malfunction reporting; and
 - f. On March 9, 2012, reviewed incinerator operating procedures to ensure the proper operation of the incinerator in order to maintain compliance with opacity limits and other permit conditions.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

- 1. Failed to maintain records of visible emissions observations of the ash building in the first quarter of 2010; the lime silo from April 2009 through December 2010; the carbon silo in the second and third quarter of 2009 and all quarters in 2010; and the facility operations building in the second and third quarter of 2009 and the fourth quarter of 2010, in violation of 30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. 03058, Special Terms and Conditions ("STC") No. 3A(iv)3, as documented during an investigation conducted from October 11, 2011 through December 12, 2011.
- 2. Failed to maintain an opacity limit of 5% averaged over a six-minute period, in violation of 30 Tex. Admin. Code §§ 111.121(5), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 24247, Special Conditions No. 6, and FOP No. 03058, STC Nos. 1A and 6, as documented during an investigation conducted from October 11, 2011 through December 12, 2011. Specifically, opacity exceeded 5% averaged over a six-minute period for Emissions Point No. 2 on March 17, 2010 and April 21, 2011.
- 3. Failed to accurately document all required information in annual and semiannual performance reports for 2009, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 60.58c(b)(4) and (b)(5), Permit No. 24247, Special Conditions Nos. 21B, 22, and 24A, and FOP No. O3058, STC Nos. 1A, 6, and 8, as documented during an investigation conducted from October 11, 2011 through December 12, 2011. Specifically, the reports did not include the analysis of the APCS bypass malfunction that occurred on August 18, 2009.
- 4. Failed to report all instances of deviations, in violation of 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O3058, General Terms and Conditions, as documented during an investigation conducted from October 11, 2011 through December 12, 2011. Specifically, the semiannual deviation reports for the periods of May 4, 2009 through November 3, 2009, November 4, 2009 through May 3, 2010, and November 4, 2010 through May 3, 2011 did not include the following deviations: the chamber temperature falling below 1800 degrees Fahrenheit on July 26 through 28, 2009 and September 11, 2009; the APCS bypass malfunction that occurred on August 18, 2009; the failure to properly report and include the APCS bypass malfunction in semiannual and annual reports; and the opacity exceedances that occurred on Mach 17, 2010 and April 21, 2011.
- 5. Failed to submit semiannual deviation reports and a PCC within 30 days after the end of the reporting period, in violation of 30 Tex. ADMIN. CODE §§ 122.143(4), 122.145(2)(B), and 122.146(2), Tex. Health & Safety Code § 382.085(b), and FOP No. O3058, STC No. 9, as documented during an investigation conducted from October 11, 2011 through

December 12, 2011. Specifically, the semiannual deviation reports for the periods of May 4, 2009 through November 3, 2009, November 4, 2009 through May 3, 2010, and May 4, 2010 through November 3, 2010 and the PCC for the certification period of May 4, 2009 through May 3, 2010 were not submitted until May 6, 2011.

6. Failed to submit a copy of the final sampling report to the TCEQ Air Permits Division and Houston Regional Office within 60 days after testing, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 24247, Special Conditions No. 15F, and FOP No. O3058, STC Nos. 6 and 8, as documented during an investigation conducted from October 11, 2011 through December 12, 2011. Specifically, the 2010 stack test report for Unit No. 2 was provided to the TCEQ Air Permits Division and was due to the TCEQ Houston Regional Office on January 18, 2011 but was not submitted until November 17, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: WM Resource Recovery & Recycling Center, Inc., Docket No. 2012-0462-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

5. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ram down t.	10/20/12
For the Executive Director (/	Date
V	
I, the undersigned, have read and understand the agree to the attached Agreed Order on behalf of the do agree to the terms and conditions specified ther accepting payment for the penalty amount, is mater	he entity indicated below my signature, and I rein. I further acknowledge that the TCEQ, in
additional penalties, and/or attorney fees, oIncreased penalties in any future enforceme	ay result in: submitted; teral's Office for contempt, injunctive relief, or to a collection agency;
TCEQ seeking other relief as authorized by l In addition, any falsification of any compliance doc	law. cuments may result in criminal prosecution.
Signature	(0-12-2012 Date
Name (Printed or typed) Authorized Representative of WM Resource Recovery & Recycling Center, Inc.	Director Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.